

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission	:	
On Its Own Motion	:	
-vs-	:	
Choctaw Communications, LC d/b/a	:	04-0133
Smoke Signal Communications	:	
	:	
Citation for failure to file Annual Report	:	

CITATION ORDER

By the Commission:

Choctaw Communications, LC d/b/a Smoke Signal Communications ("respondent") is a telecommunications carrier as defined in Section 13-202 of the Public Utilities Act. Respondent was granted a certificate or certificates of service authority to provide intrastate telecommunications services.

A Staff Report dated January 29, 2004 and issued by the Chief Clerk of the Commission recounts that respondent has failed to file its 2002 Annual Report by April 1, 2003, as required by Section 5-109 of the Public Utilities Act and 83 Ill. Adm. Code 210.

The Commission, having considered the entire record and being fully advised in the premises, is of the opinion and finds that:

- (1) the Commission has jurisdiction over the respondent hereto and the subject matter herein;
- (2) the Staff Report, dated January 29, 2004, should be filed in this docket and made a part of the record of this proceeding;
- (3) the recitals of fact set forth in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact; and
- (4) the failure to file the annual report required by Section 5-109 of the Public Utilities Act is an indication that respondent lacks sufficient managerial resources and abilities to provide the resale of telecommunications service.

IT IS THEREFORE ORDERED that Choctaw Communications, LC d/b/a Smoke Signal Communications appear before the Commission at its offices in Chicago, Illinois, at the hour of 10:00 am on March 18, 2004, to adduce evidence with respect to the matters stated hereinabove and to show cause, if any there be, why the Commission should not

rescind or suspend any certificates of service authority granted to respondent and certify these matters to the Attorney General of the State of Illinois to enforce the provisions of Section 5-109 of the Public Utilities Act, and to take any other appropriate action.

IT IS FURTHER ORDERED that the failure of the respondent to appear may result in the entry of an order revoking or suspending the certificate of service authority previously granted to respondent.

IT IS FURTHER ORDERED that the Staff Report, dated January 29, 2004, shall be filed in this docket and made a part of the record of this proceeding.

IT IS FURTHER ORDERED that this Order is not final; it is not subject to the Administrative Review Law.

By order of the Commission this 24th day of February, 2004.

(SIGNED) Edward C. Hurley

Chairman